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Chairperson: Mr. Monthe (Cameroon)

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The meeting was called to order at 10.10 a.m.

Agenda item 68: Promotion and protection of human rights (A/65/336)

(a) Implementation of human rights instruments (A/65/40 (vols. I and II), 44, 48, 94, 190, 265, 317 and 381)

(d) Comprehensive implementation of and follow-up to the Vienna Declaration and Programme of Action (A/65/36)

1. **Mr. Šimonović** (Assistant Secretary-General for Human Rights), introducing several reports under agenda item 68 (a) said that, during the period covered by the annual report of the Human Rights Committee (A/64/40 (vols. I and II)), Pakistan and the Lao People's Democratic Republic had ratified the International Covenant on Civil and Political Rights and that Brazil had become a party to the First and Second Optional Protocols. In addition, the report indicated that the Committee had considered 13 States parties' reports submitted under article 40 and adopted concluding observations on them; under the Optional Protocol procedure, the Committee had adopted views on 49 communications, declaring 8 admissible and 24 inadmissible. Consideration of 10 communications had been discontinued.

2. The Human Rights Committee had adopted revised reporting guidelines and a new optional reporting procedure whereby it would send States parties a list of issues and consider their written replies instead of requiring a periodic report. The new procedure would apply in the case of periodic reports due in 2013 and beyond, as well as those that were at least 10 years overdue. The report of the Secretary-General on the United Nations Voluntary Trust Fund on Contemporary Forms of Slavery (A/65/94) provided information on the decisions adopted by the Fund's Board of Trustees at its fourteenth session, when it considered 274 admissible applications for project grants from 77 countries, and was able to recommend 63 project grants to assist non-governmental organizations in 45 countries. The report also provided an overview of policy decisions adopted by the Board and follow-up activities undertaken by the Secretariat to implement the recommendations made by the Office of Internal Oversight Services (OIOS). Furthermore, it provided information on awareness-raising on the work of the Fund and on the establishment of a fellowship programme for young professionals working to combat contemporary forms of slavery.

3. The report of the chairs of the human rights treaty bodies on their twenty-second meeting held in Brussels in July 2010 (A/65/190) noted that it was the first time a meeting had been held outside Geneva, with a view to bringing treaty bodies closer to the implementation level. The chairs had reviewed developments concerning the work of the treaty bodies and had met with institutions of the European Union and the Council of Europe, as well as with representatives of civil society organizations and academia to discuss the applicability of the United Nations human rights treaties to European Union actions, and the role of the European Union in promoting implementation of and follow-up to the recommendations of United Nations treaty bodies. The chairs recommended that such meetings should take place every other year in a different region. The report of the Secretary-General on the activities of the United Nations Voluntary Fund for Victims of Torture (A/65/265) described the recommendations for grants to beneficiary organizations adopted by the Fund's Board of Trustees at the thirty-first and thirty-second sessions and provided information on the policy decisions adopted to implement the recommendations made by OIOS.

4. The report prepared by the Office of the United Nations High Commissioner for Human Rights (A/65/317) evaluated the use of additional meeting time by the Committee on the Elimination of Racial Discrimination and the Committee on the Rights of the Child, within the context of the increasing workload faced by the human rights treaty body system as a whole. The report concluded that the time and resource constraints facing the treaty body system would most probably increase and that a long-term solution must be found, based on a comprehensive study of the system's resource requirements. Lastly, the note by the Secretary-General on the Special Fund established by the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman and Degrading Treatment or Punishment (A/65/381), submitted pursuant to General Assembly resolution 64/153, provided information on the current status of the Special Fund, including its financial situation.

5. **Mr. Grossman** (Chairperson, Committee against Torture) said that the annual meeting of chairpersons of human rights treaty bodies had for the first time

focused on work at the regional level, and that future efforts would help the chairpersons learn about conditions particular to each region and improve outreach to States parties. In that respect, the Committee against Torture encouraged States parties to strengthen their cooperation with civil society, including in the preparation of their reports to the Committee.

6. Since there was often insufficient time to engage in constructive dialogue with States parties, the Committee was considering new ways to facilitate sharing information with States parties concerning progress and obstacles to full implementation of the Convention against Torture. Additional time for Committee deliberations prior to the adoption of concluding observations would also enhance the quality of its work. While the Committee had welcomed the submission of seven new initial reports during the past year, it deeply regretted that 32 States parties had yet to do so, as initial reports established the foundation of ongoing dialogue and were given priority consideration. The fact that 82 States parties had overdue periodic reports was also an issue of serious concern.

7. In order to assist States parties in complying with their obligations under the Convention, the Committee against Torture had introduced a novel optional reporting procedure in 2007, which consisted of transmitting a list of issues to States parties prior to their submission of a report. The replies to the list then served as the periodic report. The procedure had been well received by States parties and had been adopted by the Human Rights Committee in 2009. The new procedure reduced the reporting burden for States parties, assisted them in submitting timely and focused reports, and resulted in more specific recommendations by the Committee. It could also strengthen the consistency of United Nations mechanisms by integrating the recommendations made by all treaty bodies. The Committee had transmitted its lists of issues prior to reporting to 39 States parties and would be considering the first four reports submitted under the procedure. States parties had reacted favourably, and preliminary assessment to the experience would follow, including in discussions at the next inter-committee meeting of the human rights treaty bodies.

8. The entire treaty body system was facing serious challenges due to the backlog of reports and lacked sufficient meeting time, adequate United Nations conference services for the translation and processing of documents, and the necessary human resources within the Office of the High Commissioner for Human Rights (OHCHR). He asked Member States to reflect on the implications for the treaty body system if significant additional resources were not allocated.

9. The Committee against Torture regretted that fewer than half of the States parties had made the voluntary declaration accepting its competence to receive individual complaints of violations of the Convention. The individual complaints procedure enabled victims of torture to present their cases before the international community and allowed the Committee to apply the Convention to real-life situations. The Committee had developed rich jurisprudence to provide guidance to States parties concerning their responsibilities, including the obligation of non-refoulement in cases where deportation of an individual would involve risk of sexual violence; identification of practices that constitute torture; the need to provide reparations to victims of torture; the prohibition of evidence obtained through torture; and the notion of severity, which distinguished torture from inhuman treatment.

10. Two rapporteurs had been appointed to oversee States parties' follow-up on communications and concluding observations made by the Committee against Torture. He urged State parties to comply with follow-up procedures, as they were essential to ensuring the Convention's objectives were met. The Committee had established four new working groups to draw up proposals on reporting and examination of reports, individual communications, the right to reparation, and evaluation of facts and evidence in order to strengthen the coherence of its work. He reminded States parties to refrain from nominating or electing individuals to the Committee who occupied positions that would compromise the role of independent expert incumbent upon its members.

11. The Committee's new initiatives and working methods had not met with a corresponding increase in resources or meeting time. The Committee had the fewest members and met for the least amount of time as compared to the other treaty bodies in the United Nations system, yet it had one of the broadest mandates. The position that the Committee's small membership was due to the specificity of the Convention was no longer relevant, given the broad range of its activities,

which had come to include issues related to prevention of torture, provision of reparations to victims and examination of prison conditions. The limited resources available greatly restricted the Committee's ability to provide guidance on legislative, judicial and administrative measures required to implement the obligations assumed under the Convention.

12. As noted in its annual report (A/65/44), as an interim measure to address a long-term problem, the Committee against Torture had requested the General Assembly to provide financial support for additional meeting time in order to reduce the backlog of complaints from victims of torture, ensure timely consideration of reports of States parties and strengthen cooperation with other human rights mechanisms and civil society. Torture continued to occur; it must not become an accepted practice. It was the shared legal duty of the international community to implement the absolute prohibition of torture.

13. **Mr. Ulibarri** (Costa Rica) wished to know which of the Committee's new working methods could most encourage participation from civil society, in terms of its contributions both to the list of questions submitted prior to reporting and to the issues raised by the Committee in its concluding observations.

14. **Mr. Vigny** (Switzerland) said that his Government supported the Committee against Torture in its request for additional resources. His delegation had taken note of the Committee's continuous efforts to improve the efficiency of its functions and wished it success in such future efforts.

15. **Mr. Giaufret** (European Union) said that the European Union approved of the Committee against Torture's efforts to improve the efficiency of its working methods, and expected that it would continue to share its experience with the new reporting procedure with other treaty bodies. More details regarding how the new methods would impact the workload of the Committee would be appreciated. Given that 82 countries had overdue periodic reports, he wondered whether the Committee had considered using other measures available, such as assessing the conditions in States parties without the use of a report or considering reports without country delegations present, and whether such measures would involve more Committee meetings.

16. He also wished to know if the Committee had any other plans to induce States parties to meet their reporting commitments. The Chairperson should outline the trends in the development of measures to protect people from torture and in the use of torture. Lastly, the Union considered follow-up to treaty body examinations as crucial, and would thus appreciate more information on the extent to which States responded to the Committee's request for information through its follow-up procedures.

17. **Mr. Tagle** (Chile) said that civil society played a critical role in the development of country reports to the Committee against Torture and that the acceptance of a perspective outside the governmental scope was a demonstration of the political maturity of a State. His delegation regretted the lack of human and financial resources available to the Committee. It would support all requests for more resources for the Committee from Member States and urged the Committee to also continue to seek greater efficiency in its own performance. Torture was an issue that affected all and should be given priority.

18. **Ms. Kofoed** (Denmark) said that her Government strongly supported the work of the Committee against Torture, and her delegation was proud to be presiding over the resolution seeking to accommodate the Committee's request for more meeting time. She asked what would be needed to keep the momentum behind the new reporting procedure, as it appeared to have further resource implications for the Committee. Although the obligation to prohibit torture was the same for all States, she wondered whether complete consistency was possible in the Committee's concluding observations when violations differed in severity. Her delegation would also like to know whether the Committee was considering a general position on the distinction between torture and cruel, inhuman or degrading treatment.

19. **Mr. De León Huerta** (Mexico) commended the work of the Committee against Torture to implement good practices in guiding States parties in their reporting. Noting that the Human Rights Committee had taken up the new reporting procedure, he asked whether any other treaty bodies were discussing or using it and also wished to know whether the greater demands made on the Committee by the new procedure would ultimately expedite the submission of country reports and analysis by the Committee. The lack of resources was a problem that all treaty bodies faced, and every year the General Assembly was faced with having to choose one body over another. In that regard,

he requested information on what the expectations were for finding a comprehensive solution that would strengthen all human rights mechanisms.

20. **Mr. Mohamed** (Maldives) said that the recommendations of the Subcommittee on Prevention of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment in its report on the Maldives had served as impetus for the drafting of a prison and parole bill, which outlined the rights of inmates and provided guidelines for management of jails, procedures for parole and standards for the treatment of minors. He noted the inclusion of Maldives in the report of the Subcommittee and assured that his Government would continue to foster an autonomous national preventive mechanism to enact relevant reforms. Lastly, he asked what could be done to improve timely reporting to the Subcommittee.

21. **Mr. Saadi** (Algeria) said that his Government had been prompted to address questions posed in the Committee's concluding observations to Algeria's third and fourth periodic reports. He wondered if the new procedure of providing a list of questions to a country prior to its reporting could overlook some aspects of the Convention, as it did not offer State parties the possibility of following up on recommendations made by the Committee in previous reports.

22. **Mr. Grossman** (Chairperson, Committee against Torture) said that, under the previous working procedure, States parties to the Convention against Torture would submit their initial and subsequent reports, in response to which the Committee against Torture would make up a list of issues, which in turn would often yield a State-party reply that was longer than the initial submission. The new method being proposed, therefore, aimed at addressing economic considerations, in addition to creating a constructive, fluid dialogue with the State party, and enabling it to provide supplementary information. Nevertheless, it remained an entirely optional procedure, one that many States parties had been pleased to utilize, noting that the list of issues had made it easier to meet their reporting obligations.

23. Lists of issues were drawn up on the basis of earlier recommendations made by the Committee. The questions on them might give States parties an opportunity to address topics that the Committee might have initially overlooked. As many States had not yet submitted initial reports, the list of issues provided an incentive for them to do so. The purpose of sending States parties a list of previous issues was to avoid an additional list of issues. The incorporation by all States parties of article 1 of the Convention — which covered both physical and mental torture — into their legal systems would give greater legitimacy to the overall struggle against torture, indicating that a shared understanding of what constituted torture had been reached. It would also be necessary to strengthen the provisions of the Convention relating to discrimination.

24. With respect to restitution, the decisions taken by the Committee against Torture on complaints brought before it must be followed up, lest doubt be cast on the credibility of the system created by Member States. While States were not obliged to ratify the Convention, once they did so it was imperative that they abide by its provisions. The Committee would therefore continue to remind all States parties of the need to fulfil their obligations under the Convention. In response to the question on civil society, he agreed that there was a need to consult with such organizations, and the Committee would continue considering how to improve its methods in that regard.

25. While consistency did not, by definition, require that different situations be handled in the same way, legitimacy demanded that all States parties, on the other hand, be treated as equals. As to the definition of torture, there was no rigid formulation, but it was clear that torture constituted the higher end of inhuman treatment. The Committee against Torture also monitored the commission of other cruel, inhuman or degrading acts. In closing, he noted that it was preferable to opt for partial solutions available at the current time over a total resolution that deferred any partial ones, as the best could be the enemy of the good.

26. **Mr. Beg** (India) said that a bill had been introduced in his country with a view to ratifying the Convention against Torture. He would like to know whether the new procedure should be the subject of further consideration at a meeting of States parties before it was formally adopted.

27. **Mr. Grossman** (Chairperson, Committee against Torture) welcomed the news of India's intention to ratify the Convention and reiterated that the new procedure was entirely optional. Treaty bodies such as his own had traditionally been expected to propose creative ways to improve working methods, without

imposing their ideas on States parties. Furthermore, the procedure could be regarded as a way for States parties to the Convention to know the Committee's views on their compliance with their treaty obligations.

28. **Mr. Rodríguez Rescía** (Chairperson, Subcommittee on Prevention of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment) said that the Subcommittee's situation had changed greatly since its first report to the Third Committee in 2009 and that it would soon become the human rights treaty body with the most members, when its numbers increased from 10 to 25 in 2011 under the Optional Protocol to the Convention against Torture. The principal challenges that the Subcommittee faced included improving the complementarity of its actions, particularly with the Committee against Torture and the Special Rapporteur on torture. Accordingly, it had focused on cooperating in terms of objectives, goals and results in order to improve coordination and information-sharing.

29. Over the past year, seven countries had ratified or acceded to the Optional Protocol and four had signed it; there were now a total of 57 States parties and 67 States signatories. Although the Optional Protocol was far from achieving universal ratification, it was on the way to becoming a viable United Nations instrument for a new generation of treaties with a preventive and pro-active focus. The United Nations had a long record of promoting and protecting human rights and, over the past year, the Subcommittee's main task had been to develop a platform of work based on a preventive approach. It had been learning by experience through coordination with the relevant national, regional and international entities in the search for complementarity, strengthening its monitoring functions and organizing more focused missions.

30. Many States believed that the purpose of the Subcommittee's visits was to verify and document cases of torture. To counter this misunderstanding, it was conducting awareness-raising actions to stress its preventive mandate long before visits were planned. In that regard, it was assisted by its mandate to advise States on the establishment of national preventive mechanisms. In addition, it had improved the preparation of visits by identifying structural and institutional problems that could give rise to the risk of torture, and it was preparing more comprehensive reports with realistic recommendations. As a result, five countries had published the Subcommittee's respective report. In that regard, the Subcommittee had re-assessed the concept of confidentiality in the terms of the Optional Protocol so that, rather than its reports being secret, they would be confidence-building instruments between the Subcommittee, the national preventive mechanisms and the States. Since its previous report, the Subcommittee had visited four countries: Cambodia, Lebanon, Bolivia and Paraguay.

31. Establishment of national preventive mechanisms had not been easy, depending on many political and institutional factors, and also each State's organizational structure. The Subcommittee had provided assessment through the participation of its members in national and regional events organized by civil society. Europe had conducted a very pro-active process to establish such mechanisms, mostly through the office of the Ombudsman; in addition, the Council of Europe, universities and civil society had promoted regional networks. Meanwhile, many Latin American States had complied with the mandate by establishing a totally new mechanism. In the other regions, the number of national mechanisms was increasing rather slowly.

32. Collaboration and information sharing had increased between the Subcommittee and the Committee on Torture, particularly by means of a yearly meeting based on a very specific agenda, and also with the former Special Rapporteur on torture. The Subcommittee continued to participate in the process to harmonize treaty-body working methods, and had increased its contacts with other United Nations committees and specialized agencies, taking their programmes into account during visits. It had also held meetings or taken part in activities with regional human rights bodies in Europe, Africa and the Americas.

33. Elections would be held shortly in order to expand the membership of the Subcommittee. It was to be hoped that States would base their choices on criteria ensuring wide-ranging interdisciplinary representation. Moreover, since the Subcommittee's principal mandate was carried out by means of field visits, it would require increased financial support in view of the increased number of members attending sessions and, above all, the increased number of visits to be made to the 57 current States parties. To date, the Special Fund established to assist in the implementation of the Subcommittee's recommendations had received

contributions from three countries: Spain, Maldives and the Czech Republic.

34. Over the past year, the Subcommittee had focused on perfecting its working methods with a view to its upcoming expansion. It considered that the national preventive mechanisms would probably come to constitute the principal instrument for the prevention of torture, if they were established as defined under the Optional Protocol.

35. **Mr. Vigny** (Switzerland), highlighting the importance of prevention in the fight against torture, noted that his country had become the fiftieth State party to the Convention in 2009. He wondered whether the Subcommittee would have the additional resources that it needed to operate in its expanded form, in light of the new challenges that would result from the enlargement from 10 to 25 members.

36. **Ms. Kofoed** (Denmark) said that she would like to hear Mr. Rodríguez Rescía's views on the challenges involved in the establishment and maintenance of national prevention mechanisms. She also asked him to comment on the issue of reprisals taken after the Subcommittee's country visits and how States parties to the Optional Protocol to the Convention could assist the Subcommittee in its work.

37. **Mr. Andrade** (Brazil) said that his country's main legislative body would be considering the enactment of a bill that provided for the creation of national prevention mechanisms, a number of which had already been established at the regional level. At the regional level, some States had already set up such mechanisms, and the importance of building the capacity of civil society organizations and human-rights defenders had also been emphasized. Lastly, he asked Mr. Rodríguez Rescia to provide additional examples of awareness-raising activities undertaken by Subcommittee members to promote the establishment of national preventive mechanisms.

38. **Mr. Giaufret** (European Union) asked Mr. Rodríguez Rescia to elaborate on the advantages and disadvantages of the Subcommittee's enlargement from 10 to 25 members and wondered whether there was a plan to train new members of the Subcommittee, in light of the pending question of whether there were sufficient resources to accommodate its expansion. Expressing concern at the lack of resources to assist national preventive mechanisms, he requested additional information on the Subcommittee's specific needs in terms of that shortfall and in terms of initiatives taken by the Subcommittee to cooperate with national preventive mechanisms, as it had done with the Council of Europe.

39. **Mr. Ulibarri** (Costa Rica) said that universal ratification of the Optional Protocol remained a challenge, given that only a third of States Members of the United Nations had ratified it. In light of the forthcoming expansion of the Subcommittee, it would be crucial to prioritize preservation of the independence of its members.

40. As a human-rights instrument, the Optional Protocol heralded a paradigm shift towards an approach centred on prevention and collaboration with States. In that context, he wished to know more about the Subcommittee's interaction with national preventive mechanisms and wondered what else could be done by the Subcommittee, in conjunction with States parties and civil society, to further encourage the 21 States that had not yet established such mechanisms to do so.

41. **Mr. Tagle** (Chile) said that he would welcome detailed information on how coordination among United Nations entities, regional organizations and civil society might be improved, given the role of such coordination in making the most efficient use of the limited existing resources. In addition, he would like to know more about the Subcommittee's experiences with civil society organizations during country visits and about the state of the relationship between civil society and Government agencies in various countries.

42. **Mr. Hires** (Czech Republic) said that protection against torture was a long-standing priority of Czech domestic and foreign policy. Country visits were essential to the Subcommittee's efficacy and should be carried out with a frequency comparable to that of the submission of national reports to other treaty bodies. In that connection, he felt that the current level of three visits per year represented a serious backlog and wondered whether it was possible to expect a significant change in that regard after the enlargement of the body?

43. Turning to the difficulty posed by the lack of budgetary support for national preventive mechanisms — an integral part of the Subcommittee's mandate — he hoped that the increase in membership would soon be matched by adequate resources in order to enable it to fully exercise its mandate. He also enquired whether there were opportunities for deepening the already successful cooperation between

the Subcommittee and local and international non-governmental organizations.

44. **Mr. De León Huerta** (Mexico) said that his country had been among the first to receive a Subcommittee visit, as a result of which federal and state authorities had established a working group on implementation of the Subcommittee's recommendations. He hoped that those recommendations would prevent any situation conducive to acts against the dignity of the human person.

45. **Mr. Rodríguez Rescia** (Chairperson, Subcommittee on Prevention of Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment) highlighted Switzerland's role in facilitating the Subcommittee's enlargement from 10 to 25 members, but said that the Subcommittee's mission was not to meet in Geneva but to conduct visits on the ground. It did not have sufficient resources and had made a conservative budgetary proposal. He contrasted the Council of Europe's Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment, which had 27 staff members, with the Subcommittee, which had only three, and called on Member States to provide more resources. Constructive change — including prevention and legal reforms — was important, rather than mere condemnations of torture and maltreatment.

46. National preventive mechanisms were central to the Subcommittee's work. He stressed that its visits were not inspections and that its role was to identify structural causes of torture and change them, rather than to document specific torture cases. States should welcome the opportunity to do that. He acknowledged there had been cases of reprisals following visits by the Subcommittee and said those were best addressed by constructive dialogue with States. The best way to support the Optional Protocol was to ratify it, to establish national preventive mechanisms and to implement them.

47. States should develop national preventive mechanisms in consultation with civil society. That experience had been positive in Brazil and could be replicated in other countries. There would be advantages to the Subcommittee's enlargement if it was accompanied by the funding to conduct at least 11 visits per year. It would be pointless for it to have 25 members if they could conduct only one visit a year. The induction process was also expensive and problematic. Due to the lack of resources to support national prevention mechanisms, the Subcommittee had had to generate support from elsewhere and he thanked the European Union in that regard.

48. The process of ratifying the Optional Protocol was unfortunately bogged down in many cases, partly because the prevention mandate had not been fully understood. That Protocol was a United Nations experiment to support the prevention of torture, and it required a change of culture, which took time. He highlighted the Subcommittee's coordination with regional bodies and said that it tried not to duplicate their work; the same was true with regard to specialized United Nations agencies.

49. There would indeed be changes in the enlarged Subcommittee. International NGOs had done spectacular work to facilitate dialogue with civil society in individual States, and the Subcommittee had earned those States' respect for the way in which it had conducted that dialogue. In that regard, he congratulated Mexico on creating a working group to implement the Subcommittee's recommendations.

50. **Mr. Lambert** (Belgium), speaking on behalf of the European Union; the candidate countries Croatia, Iceland, the former Yugoslav Republic of Macedonia and Turkey; the stabilization and association process countries Albania, Bosnia and Herzegovina, Montenegro and Serbia; and, in addition, Armenia and Ukraine, said that, regardless of their cultural or historical backgrounds, States had the obligation to respect human rights and that serious violations called for firm responses. The Treaty of Lisbon had incorporated the Charter of Fundamental Rights into the European Union's legal framework. That, together with its accession to the Convention for the Protection of Human Rights and Fundamental Freedoms, would further strengthen human rights protection in the Union, which would continue to support international human rights mechanisms.

51. The European Union was pleased that an increasing number of countries applied a moratorium on executions or had abolished the death penalty. It welcomed Mongolia's establishment of a moratorium and the indefinite extension of that existing in the Russian Federation and regretted the resumption of executions in three countries in 2009 and early 2010. Where capital punishment remained in force, there were often serious problems such as its limitation to the most serious crimes. The Union called on all those

countries still retaining the death penalty to establish a moratorium.

52. The European Union was firmly committed to the absolute prohibition of torture and of cruel, inhuman and degrading treatment. It called on all States to become parties to the Optional Protocol, which represented an important step towards an independent and effective prevention mechanism. States must take persistent, determined and effective measures to combat torture and maltreatment. All Governments had a duty to enable freedom of expression, particularly for the media and human rights defenders. The Union had intensively promoted freedom of religion or belief, had repeatedly condemned all manifestations of racism and xenophobia, and called on all States to decriminalize same-sex relationships and uphold the human rights of lesbian, gay, bisexual or transgender persons.

53. The European Union also believed that further efforts were needed to implement economic, social and cultural rights and urged the States parties to the International Covenant on Economic, Social and Cultural Rights to carry out their obligations fully. The Union would also continue to push for implementation of the Millennium Development Goals. Finally, he expressed deep concern about violence and harassment against human rights defenders and stressed that making human rights a reality for everyone was a collective responsibility.

54. **Ms. Morton** (New Zealand), speaking also on behalf of Australia and Canada, said that, the Convention on the Rights of Persons with Disabilities had already been signed by 147 countries and ratified by 95, which made it the most rapidly embraced human rights convention to date. She urged those States which had not yet ratified the Convention to do so promptly, and all States to implement it fully. Worldwide there were around 650 million persons with disabilities, 80 per cent of whom lived in developing countries, where they were usually among the poorest sectors. Thus, persons with disabilities represented a significantly overlooked development challenge and opportunity, and article 32 of the Convention, on international cooperation, provided a platform for that development.

55. The outcome document of the recent High-level Plenary Meeting of the General Assembly on the Millennium Development Goals had recognized the needs of persons with disabilities. However, disaggregated data were required to support planning and monitoring efforts so as to make the relevant policies and programmes inclusive and accessible. Human Rights Council resolution 13/11 requesting the Office of the High Commissioner for Human Rights to prepare a study to raise awareness of the role played by international cooperation in support of national efforts for the realization of the objectives of the Convention was a welcome measure.

56. Australia, Canada and New Zealand reaffirmed their ongoing support for the rights of persons with disabilities and the Convention, which Canada had recently ratified. They were also pleased that Australia's candidate to the Committee on the Rights of Persons with Disabilities had been elected to serve a four-year term and was the current Chairperson of the Committee. Consideration of the early reports would pave the way for the Committee's future work tackling emerging issues affecting persons with disabilities.

57. In keeping with article 11 of the Convention, on situations of risk and humanitarian emergencies, there was an urgent need to revise the policies, programmes and standards that the United Nations, States parties and non-governmental organizations (NGOs) applied in the areas of emergency relief and reconstruction, and also disaster preparedness, to ensure that the rights of persons with disabilities were fully considered.

58. **Ms. Zhang** Dan (China) said that her country had so far acceded to 25 human rights instruments. Furthermore, it had signed the Covenant on Civil and Political Rights and was in the process of making legislative, judicial and administrative reforms to align its domestic laws with the provisions of the Covenant, paving the way to its ratification. The Chinese Government complied with its obligations under all the international treaties to which it was a party and strictly observed the reporting obligations, because it considered that the preparation of reports on the implementation of human rights treaties was a good way to evaluate the measures taken to promote human rights, as well as an opportunity to receive advice and improve its actions.

59. Since their return to Chinese sovereignty, her Government had actively supported the Special Administrative Regions of Hong Kong and Macau in fulfilling their treaty obligations and protecting human rights. All its reports now contained information prepared by the two regional governments. The

Chinese Government participated actively in the elaboration of international human rights legislation. Furthermore, it commended the role played by the human rights treaty bodies in the promotion and protection of human rights and had recommended Chinese experts to participate in their work. It had always maintained good communication and dialogue with the treaty bodies, respected their constructive recommendations, and worked hard to adopt and to implement those recommendations in the light of national circumstances.

60. The work of the treaty bodies should be conducted according to the principles of fairness, objectivity and neutrality. However, some of them had overstepped their mandate, and there had even been cases of abuse of power by individual committee members. Treaty bodies should abide strictly by their mandate and relevant rules of procedure and carry out dialogue with States parties in a spirit of cooperation. Furthermore, the conclusions and recommendations of the committees should be made with due consideration to the specific conditions of each State party. In particular, the recommendations needed to be targeted and realistic so as to avoid selectivity and the politicization of treaty monitoring.

61. China was in favour of the necessary reforms to the treaty bodies to meet changing circumstances and hoped that the Office of the High Commissioner for Human Rights and other treaty bodies would continue to improve communication and dialogue with States parties, respecting the latter's views.

62. **Mr. Abdelaziz** (Egypt) said that tangible developments were being seen in the field of human rights, through international cooperation which took into account cultural, religious and ethnic differences. However, some were seeking to assert custodianship over human rights situations, with no international jurisdiction and in full contradiction to international good governance. Their growing sense of superiority was based on a flawed assumption that their values, cultures and justice systems were better than those of others. That represented a clear violation of the sovereignty of Member States, in particular developing ones, and could only lead to tensions with developed countries.

63. He warned against attempts to focus on civil and political rights at the expense of economic, social and cultural rights. Amid the financial crisis, the international community must focus more on the right to development and food. Developing countries' participation in economic decision-making, particularly in Bretton Woods institutions, should be reinforced and the developmental role of the United Nations enhanced through regular, as opposed to voluntary, contributions. That would mitigate the North-South gap and encourage better living standards and improved human rights.

64. The balance between United Nations organs must also be restored, particularly the role of the General Assembly and the Economic and Social Council in supervising the Human Rights Council and subsidiary bodies. The Security Council should no longer be used as a tool to politicize human rights questions. The Third Committee's mandate as the General Assembly's technical negotiating body on human rights should not be surpassed and the Human Rights Council's mandate not sidestepped through country-specific resolutions.

65. Cooperation on the Human Rights Council should be non-confrontational and avoid politicization, selectivity and double standards. The foundation laid for the Council in 2005 — citing respect for the sovereignty and territorial integrity of States — should be reinforced, and the necessary financial resources should be provided for capacity-building.

66. In order to reinforce all those efforts on the national level, it was imperative to combat all forms of extremism, discrimination, racism and xenophobia, which were deeply related to attempts to defame religions and scorn their symbols. Respect for cultural and religious diversity should be promoted through dialogue, and no religion or culture should be associated with terrorism. Finally, Egypt was fully committed to strengthening respect for all human rights and fundamental freedoms, and its national council for human rights played an important supervisory role in that regard.

The meeting rose at 1 p.m.